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The Rejection of Sorensen: A Drama of Human Failing

In Rare Defeat for a New President, Carter's C.I.A. Nomination Collapsed Under Misjudgments

The following article was written by James M. Naughton based on his reporting and that of Anthony Marro, Wendell Rawls, Jr. and David Binder.

Special to The New York Times

WASHINGTON, Feb. 1 — President Carter's effort to install Theodore C. Sorensen as the Director of Central Intelligence was not blocked. It collapsed.

After his dramatic withdrawal—on Jan. 17 at the start of televised confirmation proceedings—Mr. Sorensen suggested and the conspiracy-conscious capital embraced the notion that militarists, spies, right-wing activists and partisan politicians had combined to prevent a liberal, pacifist critic of covert espionage tactics from undertaking institutional reform.

But a reconstruction of the events that led to the collapse of the nomination—a rare defeat for an incoming President—shows that it was instead a drama of narrower human dimensions.

Reflection on Carter

Involved were Mr. Sorensen's own reluctance to become the chief of the intelligence community, personality conflicts, timidity among Senate liberals and Democrats, and, above all, misjudgments and an apparent failure of nerve by the new Administration.

To those involved in it, the episode said at least as much about the style and motives of the new President as it told about the nomination he scuttled.

Mr. Carter promised to select a Cabinet carefully and to consult extensively with the Democratic Congress. But he evidently selected Mr. Sorensen without a thorough inquiry into his background. Mr. Carter never spoke to the chairman of the Senate Select Committee on Intelligence, Senator Daniel J. Inouye of Hawaii, until the nomination was in trouble. Surprised by the extent of dissent the nomination generated among Senate Democrats, Mr. Carter never asked the Senators to put aside their doubts and support his nominee. Mr. Carter backed away from the nomination without consulting the Senate Democratic leader, Robert C. Byrd of West Virginia, about either the chances or desirability of a fight to confirm Mr. Sorensen.

Five days before he took office, the President told Mr. Sorensen it was "up to you" whether the embattled nominee should fight for confirmation.

But then the new President, anxious to avert a narrow, partisan victory or an outright defeat by Congress at the

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Theodore C. Sorensen

start of his Administration, guided Mr. Sorensen to a decision to abandon the contest. When the nominee's deliberations hinged on an accurate count of support among Senate Democrats, Mr. Carter gave Mr. Sorensen a tally that was incomplete and misleading. And he urged Mr. Sorensen to consult a confidant who, Mr. Carter knew, would likely counsel withdrawal.

Still nursing his wounded pride in the Virgin Islands until today, Theodore Chaikin Sorensen, 48-year-old former aide to Presidents Kennedy and Johnson, was described as being puzzled even now over what had happened to his nomination. What follows, based on interviews with more than 40 persons who were involved, including several who reconstructed key conversations but insisted on anonymity, is the account.

The Selection

On Dec. 22, Senator Robert B. Morgan of North Carolina, a Democrat on the Senate Intelligence Committee, read a speculative account in The Washington Star that Mr. Sorensen would be named to direct the Central Intelligence Agency. When Frank Moore, Mr. Carter's assistant for congressional liaison, telephoned on another matter, Senator Morgan told the aide: "Lord, I'm glad you called. Don't appoint him to the C.I.A. job."

The Senator based his objection on a belief that Mr. Rorensen had not been candid with the intelligence committee when he testified that President Kennedy had been unaware of C.I.A. plots to assassinate Fidel Castro, the Cuban Prime Minister. The Senator said as much to Mr. Sorensen, who could not dissuade Mr. Morgan.

The Carter aide reassured Senator Morgan; "he's not going to be appointed," Mr. Moore told him.

That same day, Kenneth P. O'Donnell, a Boston business consultant who had been President Kennedy's appointments secretary, spoke by telephone to Greg Schneiders, a Carter assistant working at the transition offices in Americus, Ga. Mr. Sorensen, protested his old colleague from the Kennedy White House, was a conscientious objector during the Korean war and would be in an untenable position dealing with military officers in the intelligence agencies. "They're not going to stand for it," Mr. O'Donnell said. "I don't want to see Carter get hurt by this."

Advice Relayed to Carter

The conversation was interrupted by a call to Mr. Schneiders from Mr. Carter in nearby Plains. Coming back on the line with Mr. O'Donnell, Mr. Schneiders said he had passed the advice on to the President-elect.

The next day, Dec. 23, Mr. Carter announced the Sorensen nomination.

Most of the eight Democrats and seven Republicans on the Intelligence Committee, whose consent to the nomination was essential, were mystified. Mr. Carter's aides called the selection "unexpected." As recently as last week, few participants in the episode of the ill-fated nomination understood how and why Mr. Sorensen was chosen.

As an assistant to President Kennedy, he had been known as a billiant speech writer and "chief of staff for ideas." As a New York City lawyer, he was a sometime adviser to political candidates, had raised campaign funds for Mr. Carter and had contributed ideas for speeches and the Presidential campaign debates. But he had a limited foreign policy background and no experience at managing large institutions.

The explanation for the choice lay in the contact Mr. Carter and his senior advisers had with Mr. Sorensen's keen intellect, in the new President's search for a gifted outsider to control the intelligence agencies—and in an accidental conversation.

Sorensen's Counsel Sought

Jack H. Watson Jr., who planned Mr. Carter's transition and is now the President's Cabinet secretary, elicited Mr. Sorensen's advice in choosing Cabinet nominees. Among others Mr. Watson consulted was Richard H. Neustadt, the Harvard professor of government who had advised President Kennedy on Cabinet selection.

Mr. Watson's method was to determine the likely challenges confronting Cabinet-rank officials, decide what characteristics were appropriate to the task and, to illustrate the concept in a memorandum to Mr. Carter, name an individual familiar to the President-elect who would meet the criteria.

In his C.I.A. memo, he recommended that Mr. Carter choose an individual with intelligence of a "sharp, high level" who had "profound" personal and intellectual integrity, healthy skepticism and a perspective that would be fresh in the intelligence field. Mr. Watson discussed the characteristics one day with Mr. Neustadt.

"You know who's perfect?" The professor said. "Ted Sorensen."

To Mr. Watson the suggestion was so logical that he was surprised not to have thought of it. He used Mr. Sorensen's name as the illustration in the memo and turned it in to Mr. Carter shortly after the election.

Doubts on Suitability

Mr. Neustadt and others began contacting Mr. Sorensen to say they, too, had recommended him for the post. Mr. Sorensen, who had recommended David E. Bell of the Ford Foundation, told Mr. Neustadt the job was "full of snares and headaches," told Mr. Watson, "No, that's not the job for me," and told Senator Edward M. Kennedy he had grave doubts about his suitability.

On Dec. 15, confronted with a speculative newspaper account that he had been chosen, Mr. Sorensen telephoned Mr. Carter to say he would be willing to discuss the mmatter.

Three days later Mr. Sorensen stopped in Plains for the discussion. Mr. Carter asked if Mr. Sorensen would have any investments that would pose conflicts of interest and Mr. Sorensen said no. The conversation drifted to other areas, then suddenly the President-elect returned to the C.I.A. job.

"Well, I want you to do it," Mr. Carter said.

Mr. Sorensen was startled, having presumed that the Carter staff would take time to check his background and suitability for the sensitive position. But he made what he later described as a "lightning" calculation. Even though he had three times denied interest in the job to others, he told Mr. Carter: "Yes."

Mr. Sorensen returned to New York where, the following day, he was said to be surprised by an indication that his [illegible] plumbed

Hamilton Jordan, one of Mr. Carter's senior assistants, telephoned to ask whether it was true that Mr. Sorensen had been a conscientious objector. For the first of many times, the nominee explained that he had sought and received classification as a noncombatant but had never tried to avoid military service. Mr. Sorensen offered to suggest other matters in his personal history that could give rise to Senate concerns, but Mr. Jordan told him that was not necessary.

The Reaction

To be sure, the Sorensen nomination was greeted icily on the political right. Senator Barry Goldwater, Republican of Arizona, refused to grant even the customary courtesy call by the nominee. Human Events, a conservative publication, produced a negative answer to its rhetorical question, "Should a Conscientious Objector Be the New C.I.A. Chief?"

Senator Robert J. Dole, who was President Ford's running mate last fall, sampled sentiment among Republicans and urged on Jan. 8 that the nomination be withdrawn. Representative Lawrence P. McDonald, a Georgia Democrat, organized a Jan. 10 meeting of conservative opponents. Some former and retired intelligence officers spread word in friendly Senate quarters that, as one of them stated it, Mr. Sorensen would be "about as well-received at Langley," the C.I.A. headquarters, "as Sherman was in Atlanta."

Human Events would ultimately credit "diligent" conservative groups and Republican senators with having stirred the momentum that thwarted the nomination. Yet Frank McNamara of the American Conservative Union was pessimistic a week before the scheduled confirmation hearings that the opponents could muster more than five of the 15 Senators.

All that week the antagonists searched for a copy of an affidavit Mr. Sorensen had given the defense in the trial of Dr. Daniel Ellsberg and Anthony J. Russo Jr., who were accused of disclosing classified information — the so-called "Pentagon papers"—on United States involvement in Vietnam. The opponents thought it could be a rock setting off ripples in a pool. It was. But the document was found first by a Sorensen supporter, Senator Joseph R. Biden Jr., Democrat of Delaware.

Looking back on it, what astounded Mr. Carter's staff was that the opposition to Mr. Sorensen was not confined to the right. The discovery reflected the new Administration's naivete in assuming that Mr. Sorensen, as an articulate, intellectual, charter member in the Kennedy coterrie, would be welcomed back into power.

If Mr. Carter's victory suggested the country had changed since the Democrats last reigned, Mr. Sorensen's reception among Senate liberals and Democrats demonstrated that Congress had changed too.

Senator Kennedy, eager to champion the cause of his late brother's ally, was reduced to a circumspect role. Visible activity on behalf of Mr. Sorensen, the latter's strategists decided, would have drawn attention to the nominee's presence as an adviser to Mr. Kennedy.

Mr. Sorensen and now his judgment was crucial.

Mr. Huddleston had respected and shared Mr. Sorensen's plans to reform the intelligence community, but the affidavit made him conclude that Mr. Sorensen would not be able to develop the confidence of its officers or of intelligence officials in allied nations.

Senator Stevenson expressed similar but stronger misgivings. If confirmed, Mr. Stevenson said, Mr. Sorensen might be "isolated" by his subordinates, denied knowledge out of mistrust, and rendered incapable of preventing abuses in the name of intelligence.

A central consideration among the four was the committee's own credibility with the intelligence agencies. Mr. Stevenson said the panel had managed to establish confidence that it could be trusted with intimate knowlege of clandestine activities, and that "the credibility we had established would be disestablished" if Mr. Sorensen were confirmed.

After a while, they invited Mr. Mondale to join the discussion. Mr. Morgan left in the meantime, but the three other Senators recited their misgivings and counseled withdrawal. Mr. Mondale promised to advise Mr. Carter.

Not long after the meeting, Mr. Sorensen stopped to see Mr. Stevenson. The Senator was brutally candid, telling him that Mr. Carter should have known of the affidavit and adding: "If you didn't tell him, it reflects badly on your judgment and if he didn't ask you it makes me wonder about his judgment."

The Senator told associates Mr. Sorensen was surprised and disbelieving, at times defiant, as if Mr. Stevenson had been the first to give him a true assessment of his prospects.

"You don't know me very well if you think I would withdraw from a fight," Mr. Sorensen told the Senator.

The Vote Count

Mr. Sorensen continued his rounds, winding up at 5 P.M. that Friday at Mr. Mondale's office. The Vice President-elect was alarmed at the state of affairs. He called Senator Inouye over and the Senator, who had been consulting with colleagues all afternoon, told Mr. Sorensen, "At most we can get you one or two members of the committee."

When Senator Inouye left, Mr. Sorensen said he could not believe the appraisal was accurate. If so he had lost seven or eight votes overnight. He and Mr. Mondale agreed they needed an accurate head count of committee members.

In one of several conversations with Mr. Carter that evening, Mr. Sorensen asked him to begin calling committee members on Saturday. Mr. Carter agreed, but said he doubted that the Senators would tell him anything more "determinative" than that they would delay a judgment until after the hearings.

On Saturday morning, Mr. Sorensen had breakfast at the C.I.A. headquarters with Clark Clifford, the former Secretary of Defense. The meeting, planned as one of a series with elder statesmen whose advice Mr. Sorensen felt would be useful to him, turned instead into a strategy session.

Mr. Clifford agreed that an accurate reading of the Democratic committee members' attitudes was essential and that Mr. Carter also should sound out leading Senate Democrats who were not on the Intelligence Committee. As they conceived it, the President-elect should also bring his weight to bear. They decided to ask Mr. Carter to make the conversations three-pronged: He should first say he considered the growing objections to Mr. Sorensen to be unfair and wanted the nomination confirmed, then ask for assistance and, finally, ask for an appraisal of the situation.

It was early afternoon before Mr. Sorensen could get through to Mr. Carter, who was in Plains. The President-elect was not enthusiastic about the strategy because he was busy, but he offered to call as many Democrats on the committee as possible.

Calls to Four Senators

During the day, Mr. Carter reached four of the eight Democrats: Senators Inouye, Biden, Stevenson and Birch Bayh of Indiana. Of the suggested three elements of the conversation, Mr. Carter employed only the third, a request for an assessment.

Senator Biden, reached in Wilmington, Del., told Mr. Carter, "I think we're in trouble. I think it is going to be tough," and asked what Mr. Carter intended to do.

"I'm leaving it up to Ted to do whatever he wants," said the President-elect. "I forced the job on him in the first place. He did not really want that job."

Mr. Carter found Senator Stevenson in Washington. The Senator said he had no tally but was not at all sure Mr. Sorensen could make it, called it a "no-win" situation and recommended withdrawal of the nomination. Mr. Carter thanked Mr. Stevenson for his candor.

Senator Bayh, the strongest Sorensen ally on the committee, had been traveling across Indiana since Thursday, virtually out of touch with the rapidly deteriorating situation in Washington. When Mr. Carter located Mr. Bayh Saturday evening at St. John Baptist Church in Gary, the Senator told him:

"There are questions that have to be andswered. I assume they will be."

Mr. Carter and his aides never reached Senator Hart, Senator Morgan or Senator Huddleston. Senator Hathaway, who was at funeral services for a relative in Canada, could not be reached on Saturday, but telephoned Mr. Carter when he returned to the capital Sunday night.

At about 9 p.m. that Saturday, Mr. Carter telephoned Mr. Sorensen. As Mr. Sorensen's associates remember the conversation, the President-elect said he had called six of the eight Democrats and only one vote was secure. "It's up to you," Mr. Carter told him, adding that he would support the decision if Mr. Sorensen chose to fight.

Mr. Sorensen said he would "have to think about it."

The President-elect said he had just spoken with Clark Clifford. "Call Clark if you want some advice on this," Mr. Carter suggested. "He's sitting by the phone."

Mr. Sorensen telephoned, and Mr. Clifford did not try to dissuade Mr. Sorensen from abandoning the effort.

A Call to His Wife

About midnight Mr. Sorensen called his wife, Gilian, and said he would withdraw at a news conference Sunday afternoon.

While Mr. Sorensen drafted a withdrawal announcement, two of his New York law partners, Arthur Liman and Mark Alcott, prepared a brief responding to the questions raised about the use of classified data 13 years earlier.

For the second morning in succession, the newspapers were loaded with leaked versions of the fateful affidavit, speculation that the nomination was in jeopardy and anonymous complaints from the Senate about Mr. Sorensen. The nominee got angrier and angrier, convinced he had been judged without a hearing.

He went to Langley and told his lawyers he would answer the critics at the hearing Monday morning and withdraw there, with a national television audience to hear his side of the story, rather than at a news conference.

Mr. Sorensen telephoned Mr. Carter once more in Plains and described his intentions. Mr. Carter asked him to meet with Mr. Mondale and Hamilton Jordan about the plans.

Early Sunday afternoon, Mr. Mondale met with the two men at Mr. Mondale's home in the District of Columbia.

'The Votes Aren't There'

"I recognize that Jimmy Carter has tried and the votes aren't there," Mr. Sorensen said. "Therefore, it's a losing battle." But he said he was determined not to withdraw without a hearing. Mr. Mondale and Mr. Jordan concurred.

Arthur Liman, aware that some 30 hours had passed without a statement of support for Mr. Sorensen from the President-elect and that Mr. Carter had avoided reporters outside the Plains Baptist Church that morning, called Mr. Carter's conduct "unfortunate."

Later that afternoon, Mr. Carter did issue a statement defending Mr. Sorensen's handling of classified documents and saying it would be "most unfortunate" if frank acknowledgement of common practice should "deprive the administration and the country of his talents and services."

The next morning, Monday, Jan. 17, Mr. Sorensen was en route to the hearing in a C.I.A. limousine. Eventually, Jody Powell would say the new President had abandoned the fight on Saturday. Another White House official would explain the capitulation by saying Mr. Carter had limited political coinage in the Congress and "nobody wanted to spend it yet."

As the limousine moved across the capital, the Langley command post notified the driver by radio that Mr. Carter wanted Mr. Sorensen to telephone him right away. The vehicle pulled up to the Old Senate Office Building, and Mr. Sorensen ducked into a phone booth in the building. He told the President-elect he was about to withdraw.

Mr. Carter said he was terribly sorry about the way it had turned out.

at Chappaquiddick, after a young woman drowned when the Senator's car ran off a bridge on that island near Edgartown, Mass.

There were other, seemingly less consequential objections raised in quarters where the Carter camp had expected praise. Jody Powell, the White House press secretary, said later that he had been dumbfounded by "personal, catty, sniping stuff" from liberals who had been expected to rally to Mr. Sorensen's defense.

Two early advocates, Senator Gary Hart of Colorado and Senator Walter Huddleston of Kentucky, detected the qualms among their colleagues. Mr. Huddleston thought the mood made Mr Sorensen a "marginal" prospect for confirmation. Mr. Hart warned Vice President-elect Mondale early in January of growing "resentment" over Mr. Sorensen.

Senator Inouye, who lost his right arm in World War II and once said he would give the left if necessary to fight Communists, told colleagues he was particularly troubled by Mr. Sorensen's renunciation of personal violence, which the Senator found incompatible with a job in which violence might one day have to be abetted.

All the early jitters were magnified with sudden vengeance when Senator Biden found the Pentagon Papers affidavit.

The Key Issue

The opponents were already complaining of Mr. Sorensen's support of Dr. Ellsberg and the committee's minority staff had obtained a Justice Department transcript of the nominee's March 15, 1973 testimony in the Pentagon papers trial. The transcript showed Mr. Sorensen had made an affidavit six months earlier that was not admitted as evidence.

Uncertain of what the document contained but wary that the opposition would use it, Senator Biden's aides scoured Washington until they found a copy on Jan. 13.

Describing the preparation of his book, "Kennedy," in 1965, Mr. Sorensen said in the 1972 affidavit that he took 67 boxes of documents, letters and other material from the White House when he left in 1964 and that they included seven boxes of "classified" information.

Mr. Biden found that statement "very disturbing." He took the affidavit to Senator Inouye, the committee chairman, that Thursday—four days before the start of the confirmation hearings—and urged that Mr. Carter be notified immediately.

The implications were clear. Mr. Sorensen, whose prospects had already been described as "marginal" by a supporter, would now have to defend his use of classified information when being considered for a post in which confidentiality was regarded as the first principle of conduct. It would make little difference that Mr. Sorensen's actions had not, technically, broken any law. The affidavit would become a reason for opposition on plausible ground.

'I Want to Fight'

Mr. Sorensen happened, at that moment, to be with the President-elect at a meeting with the Joint Chiefs of Staff in Blair House. As the meeting adjourned, Mr. Mondale drew Mr. Sorensen into an unoccupied room and said that Senator Inouye had just telephoned him to report the development and recommend that the nomination be withdrawn.

Mr. Carter and Zbigniew Brzezinski, the national security adviser, entered the room, and Mr. Mondale outlined the problem. Mr. Sorensen argued that the affidavit was defensible and created a clear choice. He could withdraw or fight. "I want to fight," he said. "I agree," Mr. Carter replied.

They telephoned Senator Inouye and asked to have a copy of the affidavit delivered to Mr. Carter, and the Senator requested that Mr. Sorensen come to his office five hours later, at 10:30 P.M.

When Mr. Sorensen got to the Senator's office Mr. Inouye was talking on the telephone with Mr. Carter, who told the Senator he had found nothing objectionable in the affidavit and wanted to proceed with the confirmation process. A few minutes later Mr. Carter repeated the encouragement in a telephone call to Mr. Sorensen.

Mr. Inouye, who earlier had counseled withdrawal, said he thought a concerted effort could produce a 10-to-5 vote for confirmation and "even 9-to-6 wouldn't be so bad." He urged that Mr. Sorensen meet the next day with as many committee members as might be in the city.

Encouraged, Mr. Sorensen went to the C.I.A. headquarters and, until 5:30 A.M. that Friday, drafted an opening statement for the confirmation hearing. He would never read it.

With one hour's sleep, Mr. Sorensen went from the home of his in-laws in suburban Maryland to Senator Kennedy's home in suburban Virginia. They had coffee with Stephen E. Smith, Mr. Kennedy's brother-in-law. Mr. Sorensen was tired but in good spirits. The Senator promised to spend part of the day contacting members of the committee.

Mr. Sorensen roved blithely across Capitol Hill much of the day, looking for committee members to shore up his support. It would take an emotional encounter late in the day to demonstrate to him that the support instead was crumbling.

Mr. Mondale, still working in the Senate office he would vacate in a week—it was across the hall from Senators Inouye and Biden—telephoned Senator Hart, who had gone home to Colorado. Mr. Hart had been an enthusiastic supporter of the nomination. Now he was troubled, not by the contents of the affidavit but by Mr. Sorensen's failure to have apprised the President-elect that it existed. Mr. Hart's sentiments were understandable. In 1972, he had been manager of Senator George McGovern's Presidential candidacy when Senator Thomas F. Eagleton of Missouri neglected to mention he had undergone hospital treatment for depression, a matter that surfaced after Mr. Eagleton was the Vice-Presidential nominee.

Senator Hart nonetheless recommended a strong, positive defense be made for Mr. Sorensen's conduct.

Meeting of Senators

Across the hall, however, Senator Inouye was again coming to the conclusion the nomination was doomed. Closeted at noon with Senator Adlai E. Stevenson of Illinois, and Senators Morgan and Huddleston, they talked of the withdrawal option again. Of the four, only Mr. Huddleston had been enthusiastic about